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****EXPEDITED PROCESSING**
REQUESTED**

OFFICE OF PETITIONS

Dkt. 2048/57906-BA/JPW/AG

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: William C. Olson and Paul J. Maddon
Serial No.: 10/763,545 Examiner: Bo Peng
Filed : January 23, 2004 Group Art Unit: 1648
For : COMPOSITIONS COMPRISING ANTI-CCR5 ANTIBODY AND USES
THEREOF

Date of Notice
of Allowance: December 19, 2006 Confirmation No.: 7548

Projected
Issue Date: May 22, 2007
Projected
Patent Number: 7,220,411

1185 Avenue of the Americas
New York, New York 10036
May 17, 2007

BY FACSIMILE: (571) 273-0025
Office of Petitions
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW FROM ISSUE AND EXPRESSLY
ABANDON APPLICATION UNDER 37 C.F.R. §1.313(c)(3)**

Applicants hereby petition that the above-identified application projected to issue on May 22, 2007 be withdrawn from issue under 37 C.F.R. §1.313(c)(3) as a result of the express abandonment of the subject application in favor of a continuation application being filed concurrently. Applicants are concurrently filing a Declaration of Express Abandonment Under 37 C.F.R. §1.138, a copy of which is attached hereto as **Exhibit 1**. The required petition fee set forth in 37 C.F.R. §1.17(h) is ONE HUNDRED THIRTY DOLLARS (\$130.00) and the undersigned hereby authorizes the Patent Office to charge the amount of this fee to Deposit Account No. 03-3125.

On July 26, 2006, Examiner Peng issued an Office Action in connection with the subject application which provisionally rejected

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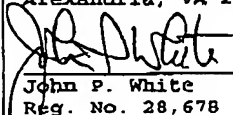
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Page 2 of 2

claims 109-143 on the ground of nonstatutory obviousness-type double patenting over allowed claims 1-5, 18, 31, and 74 of U.S. Serial No. 10/371,483. In response, on October 26, 2006, applicants submitted a Terminal Disclaimer signed on behalf of the sole assignee of record of the subject application, Progenics Pharmaceuticals, Inc., which erroneously indicated that both the subject application and U.S. Serial No. 10/371,483 were solely owned by Progenics Pharmaceuticals, Inc. In fact, U.S. Serial No. 10/371,483 is jointly owned of record by Progenics Pharmaceuticals, Inc. and PDL Biopharma, Inc. Accordingly, in order to redress this error, applicants are expressly abandoning the subject application, but not the subject matter disclosed and/or claimed therein, in favor of a continuation application being concurrently filed with the filing of this Petition and the Declaration of Express Abandonment.

No fee, other than the enclosed \$130.00 petition fee, is deemed necessary in connection with the filing of this Petition. However, if an additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

I hereby certify that this correspondence is being transmitted by facsimile on this date to:
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John P. White
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*NEW YORK STATE BAR ADMISSION PENDING

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MESSAGE: PETITION TO WITHDRAW FROM ISSUE AND EXPRESSLY ABANDON APPLICATION UNDER 37 C.F.R. §1.313(C)(3), in connection with William C. Olson and Paul J. Maddon, Compositions Comprising Anti-CCR5 Antibody And Uses Thereof, U.S. Serial No. 10/763,545, filed January 23, 2004.

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EXHIBIT A